

REMARKS

Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested.

In the pending Office Action, the Examiner rejected claims 1-3 and 12, under 35 U.S.C. §102(e), as allegedly being anticipated by Bullock '426 (U.S. Pub. No. 2003/0082426); rejected claim 1 and 12, under 35 U.S.C. §102(b), as allegedly being anticipated by Harris '433 (U.S. Pub. No. 2001/0052433); rejected claim 4, under 35 U.S.C. §103(a), as allegedly being unpatentable over Bullock '426 or Harris '433 in view of Ozeki '876 (U.S. Pub. No. 2004/0170876); and provisionally rejected claims 1-4 and 12 on the grounds of non-statutory, obviousness-type double patenting, and allegedly being unpatentable over claims 18-19 and 21-24 of co-pending U.S. Patent Application No. 10/791,274.

Applicants point out that the returned copy of the IDS filed on August 10, 2004, contains references which have been crossed out, without any explanation. Applicants request an immediate explanation as to why the Examiner has crossed out cited references.

By this Amendment, Applicants have amended the Specification for typographical errors, amended claims 1, 3, and 12 to provide a clearer presentation of the claimed subject matter, and cancelled claim 2 while claims 5-11 and 13-14 have been withdrawn. No new matter has been added. Accordingly, claims 1, 3-4, and 12 are currently presented for examination of which claims 1 and 12 are independent.

Applicants respectfully traverse the rejections noted above for the following reasons:

I. Provisional Obviousness-Type Double Patenting.

Applicants disagree with the provisional non-statutory double patenting rejection. However, in an effort to expedite the examination of this application, without taking a position with respect to the merits or substance of this rejection and while preserving the right to distinguish over the references, Applicants submit herewith a Terminal Disclaimer relative to

U.S. Patent Application No. 10/791,274 in compliance with 37 C.F.R. §1.321(c) to overcome the provisional rejection. Accordingly, Applicants respectfully submit that claims 1, 3-4, and 12 are now allowable.

II. Rejections Under §102 & §103

As indicated above, amended claim 1 is directed to a fuel cell unit and positively recites, *inter alia*, a sensing unit configured to sense an abnormal state of the fuel cell, ***a connection detecting unit configured to detect a presence or absence of a connection with an electronic apparatus operable using electric power supplied from the fuel cell***, and ***a display unit configured to notify a user of the abnormal state when the sensing unit has sensed the abnormal state and the connection detection unit has detected a connection with the electronic apparatus***.

These features are amply supported by the embodiments disclosed in the written description. By way of illustration, the disclosed embodiments provide that the fuel cell unit **2** *itself* is provided LEDs **27a**, **27b** for notifying the user of the present operating state. (See, e.g., Specification: page 4, lines 15- page 5, line 1; FIG. 1; *see also*, Amendment to Specification). That is, the display is *on* the fuel cell unit **2**. In this manner, the LEDs **27a**, **27b** of the fuel cell unit **2** display the operating state of the fuel cell unit **2**, ***independent of the electronic apparatus 1***. (See, e.g., Specification: page 12, lines 3-5). Indeed, the LEDs **27a**, **27b** of the fuel cell unit **2** are configured to display a host of abnormal states, including whether there exists ***a connection with the electronic apparatus 1***. (See, e.g., Specification: page 12, line 6 – page 14, line 10; FIGs. 5-6).

The disclosed embodiments further provide that the microcomputer **21** of the fuel cell unit **2** provides notification via the LEDs **27a**, **27b** ***only when the fuel cell unit 2 has been installed*** (*i.e.*, connected with) in the electronic apparatus **1**. This reduces the power consumed in the sensors.

Applicants submit that none of the asserted reference teach or suggest each and every element of claim 1, including the features identified above. In particular, Bullock '426 specifically discloses that the display **114** of the PDA **100** may convey a low fuel warning. (See,

Bullock '426: par. [0044]; FIG. 9). The display **114** is, therefore, not on the fuel cell unit itself. As such, Bullock '426 clearly fails to teach or suggest a fuel cell unit that includes *a display unit configured to notify a user*, as required by claim 1.

Moreover, there is nothing in Bullock '426 that remotely suggests that the *display unit* of the fuel cell unit is *configured to notify a user of the abnormal state when the sensing unit has sensed the abnormal state and the connection detection unit has detected a connection with the electronic apparatus*, as also required by claim 1.

Applicants submit that none of the other applied references cure the deficiencies of Bullock '426 noted above and fail in their own right of teaching each and every element of claim 1. For example, Harris '433 discloses a vehicular hybrid supply module **15** in which an operator display/interface **10** is linked to the module **15** to notify the operator of status. Clearly, by virtue of being directed to a fuel cell for a vehicle – not an electronic apparatus – where the operator cannot physical see the fuel cell, there is no way that the Harris '433 display can be construed as being a fuel cell unit that includes *a display unit configured to notify a user*, as required by claim 1.

Furthermore, much like Bullock '426 , there is nothing in Harris '433 that suggests that the *display unit* of the fuel cell unit is *configured to notify a user of the abnormal state when the sensing unit has sensed the abnormal state and the connection detection unit has detected a connection with the electronic apparatus*, as also required by claim 1.

Applicants point out that, for much of the same reasons, Ozeki '876 also fails to teach or suggest each and every element of claim 1.

Thus, for at least these reasons, Applicants submit none of the asserted references, whether taken alone or in combination, teach or suggest each and every element of claim 1. As such, claim 1 is neither anticipated by nor rendered obvious by the applied references and is, therefore, clearly patentable. Moreover, because claims 3-4 depend from claim 1, claims 3-4 are patentable at least by virtue of dependency as well as for their additional recitations.

Finally, because independent claim 12 recites patentable features that are similar to claim 1, claim 12 is patentable for at least the reasons presented relative to claim 1. Accordingly, the reconsideration and immediate withdrawal of the rejections of claims 1, 3-4, and 12 is respectfully requested.

III. Conclusion.

All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant's representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number **03-3975**. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

**PILLSBURY WINTHROP
SHAW PITTMAN LLP**

By: 

E. R. HERNANDEZ
Reg. No. **47641**
Tel. No. 703.770.7788
Fax No. 703.770.7901

Date: October 9, 2007
P.O. Box 10500
McLean, VA 22102
(703) 770-7900